



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,319	07/05/2001	Jacobus Eliza Hazenbroek	11954-1910	2142
7590	12/16/2003		EXAMINER	
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP			ALIMENTI, SUSAN C	
Suite 1750			ART UNIT	PAPER NUMBER
100 Galleria Parkway N.W.				
Atlanta, GA 30339-5948			3644	

DATE MAILED: 12/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application N .	Applicant(s)
	09/899,319	HAZENBROEK ET AL.
	Examiner Susan C. Alimenti	Art Unit 3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 March 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 15, 24, 30, and 31 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 15 and 30 is/are allowed.
- 6) Claim(s) 24 and 31 is/are rejected.
- 7) Claim(s) 24 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

## **DETAILED ACTION**

### ***Claim Objections***

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not). In the Examiner's amendment entered on March 2003 in Paper No. 10, claim 24 was canceled along with claims 1-13, 17-29 and 32, upon the request of the applicant's representative, in order to put the case in condition for allowance.

In order to move forward with the prosecution of the present case, misnumbered claim 24 has been renumbered 33.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 31 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In line 8, of claim 31 the phrase "means perpendicular to the supply direction are connection to the means for rotating" is awkward and confusing. Based upon the Examiner's review of the present application it is believed that the word --in-- should be added after the word

“are”. Further, claim 31 as modified by the aforementioned Examiner’s suggestion, is how said claim read in the Examiner’s amendment entered on 05 March 2003 in Paper No. 10.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 33 is rejected under 35 U.S.C. 102(b) as being anticipated by Janessen et al. (USPN 6,142,863).

Janessen et al. (hereafter Janessen) discloses a device for processing and skinning poultry carcasses that includes all the limitations set forth in claim 33. The device comprises a conveyor and supports 6 for moving and retaining the carcass along the skinning process. It also includes skin-gripping means comprising two meshed rollers 152 (Jannessen, Figure 13c), rotateable in opposite directions for pulling the skin off in a manner that is perpendicular to the supply direction. The discharge means is considered to be the natural force of gravity pulling the skin downwardly onto the floor. Regarding the added limitation of “actively ejecting the skin from the gripping means” in lines 5-6, gravity is still considered to actively eject the skin from the grippers as it is removed from the poultry carcass.

***Allowable Subject Matter***

6. Claims 15 and 30 are allowed.

Art Unit: 3644

7. Claim 31 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

***Response to Arguments***

8. Applicant's arguments filed 10 March 2003 have been fully considered but they are not persuasive. Applicant argues that renumbered claim 33, as amended to recite that the removed skin is *actively ejected* from the skin gripping means, overcomes the prior art. The examiner respectfully disagrees, and notes that gravity is still considered to actively discharge the skin as it is removed and freed from the poultry carcass

With regard to claim 31, as previously amended by the Examiner on 05 March 2003 said claim was in condition for allowance, however as presently amended claim 31 stands rejected as stated above. Furthermore, applicant is reminded that a proper submitted amendment should have read that claim 31 was twice amended. In order to expedite the prosecution of the present application, applicant is asked to correct this error and a "Notice of a Non-Responsive Amendment" has not been sent.

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan C. Alimenti whose telephone number is 703-306-0360. The examiner can normally be reached on Monday-Friday, 9am-5pm.

Art Unit: 3644

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles T. Jordan can be reached on 703-306-4159. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

SCA

*Charles T. Jordan*  
CHARLES T. JORDAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600